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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12 CARL ALEXANDER WESCOTT,
13

14 Plaintiff,

15 v.

16 MONETTE STEPHENS and MICHELLE
HARRIS,

17 Defendants.
18

Case No.: 3:17-cv-05837-SK

**DECLARATION OF MICHELLE
HARRIS IN SUPPORT OF MOTION TO
EXTEND TIME**

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20 I, Michelle Harris, declare that:

- 21 1. I am an attorney duly licensed to practice in all courts of the State of California, and a party to the
22 within action. I have personal knowledge of the information set forth herein below, unless noted as
23 based on information and belief, all of which is true and correct of my own personal knowledge, and
24 if called upon to testify, I could and would competently testify thereto.
- 25 2. On or about October 31, 2017, I was served a copy of Plaintiff CARL ALEXANDER WESCOTT'S
26 ("Plaintiff") Complaint.
- 27 3. I immediately contacted my current malpractice insurer, Imperium Insurance Company ("IIC") on
28 November 2, 2017. I believed and understood my policy's retroactive coverage applied to these

malpractice claims and that coverage was available. I believed and understood that IIC would provide defense and indemnity coverage, and had assigned counsel to respond to the Complaint on my behalf.

4. On December 5, 2017, for the first time, I received a response from IIC notifying me that they had denied coverage and indemnification for my claim. By the time of receipt of this letter, the time to respond to the Complaint had already expired.

5. I was surprised and unprepared by IIC's delayed denial of my insurance tender and spent some time disputing the matter with IIC. The dispute further delayed my ability to obtain legal representation.

6. When I concluded IIC would not provide coverage, I immediately sought to retain independent legal counsel to represent me in this action.

7. On December 12, 2017, I retained Murphy, Pearson, Bradley & Feeney to represent me in this matter.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Declaration was executed on this 2nd day of January 2018, in San Francisco, California

Dated: January 2, 2018

By Michelle L. Harris, Esq.
Michelle Harris

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CERTIFICATE OF SERVICE

I, Mikki S. Panayotova/Maria Diazgranados, declare:

I am a citizen of the United States, am over the age of eighteen years, and am not a party to or interested in the within entitled cause. My business address is 88 Kearny Street, 10th Floor, San Francisco, California 94108.

On January 2, 2018, I served the following document(s) on the parties in the within action:

DECLARATION OF MICHELLE HARRIS IN SUPPORT OF MOTION TO EXTEND TIME

	VIA MAIL: I am familiar with the business practice for collection and processing of mail. The above-described document(s) will be enclosed in a sealed envelope, with first class postage thereon fully prepaid, and deposited with the United States Postal Service at San Francisco, California on this date, addressed as listed below.
	VIA E-MAIL: I attached the above-described document(s) to an e-mail message, and invoked the send command at approximately _____ AM/PM to transmit the e-mail message to the person(s) at the e-mail address(es) listed below. My email address is MPanayotova@mpbf.com/MDiazgranados@mpbf.com.
	VIA HAND: The above-described document(s) will be placed in a sealed envelope which will be hand-delivered on this same date by _____, addressed as listed below.
	VIA FACSIMILE: The above-described document was transmitted via facsimile and a copy of same was mailed on this same date to the addresses listed below.
	VIA OVERNIGHT SERVICE: The above-described document(s) will be delivered by overnight service, to the addresses listed below.
	VIA FILE & SERVE: By causing a true and correct copy thereof to be served through File & ServeXpress addressed to all parties appearing on the File & ServeXpress Serve electronic service list.

Carl Alexander Wescott
P.O. Box 190875
San Francisco, CA

:
Phone: (415) 335-5000
:

Attorney For Plaintiff in Propria Persona

I declare under penalty of perjury under the laws of the State of California that the foregoing is a true and correct statement and that this Certificate was executed on January 2, 2018.

By _____
Mikki S. Panayotova/Maria Diazgranados

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